REMARKS

35 U.S.C. § 102. Claim Rejections.

5-14. Claims 1, 3, 5-6, 8-11, and 13-14 are rejected under 35 U.S.C. §102(e) as
5 being anticipated by Reisman et al. (U.S. Patent No. 6,594,691) (hereinafter
Reisman).

In regard to Claims 1 and 8, the Office Action states that "Reisman discloses a
communications system, comprising:
10   An advice provider (information transporter system, col 26, lines 20-31) which
broadcasts (broadcast information distribution system, col 26, lines 20-31)
information over a communications medium to a plurality of advice consumers (col
26, lines 20-31), irrespective of actual relevance (recipient communication devices
are tuned to identify and receive from the broadcast specific data element anticipates
15 irrespective of actual relevance, col 26, lines 20-31) of said information to said
plurality of advice consumers (recipient communication devices, col 26, lines 20-31).
    An advice consumer of said plurality of advice consumers for gathering said
broadcast information from said communications medium (recipient communication
devices are tuned to identify and receive from the broadcast specific data element,
20 col 26, lines 20-45); and
    A reader associated with said advice consumer (recipient communication devices
are tuned to identify and receive from the broadcast specific data element anticipates
reader, col 26, lines 20-45) for determining relevance of said broadcast information
to said advice consumer (recipient communication devices are tuned to identify and
25 receive from the broadcast specific data element, col 26, lines 20-45);
    Wherein said advice consumer is advised of said information only if said
information meets certain predetermined relevance criteria (recipient communication
devices are tuned to identify and receive from the broadcast specific data elements
to which they are entitled anticipates predetermined relevance criteria, col 26, lines
30 20-45)."

Applicant disagrees that Claims 1, 3, 5-6, 8-11, and 13-14 are anticipated by
Reisman.

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Hilton Davis / Festo Statement

Applicant has amended Claims 1, 7 and 8, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The

5   amendments herein were not made for any reason related to patentability.

Reisman describes methods for transacting electronic commerce, as seen at least in the Abstract, wherein:

10   "A novel electronic information transport component can be incorporated in a wide range of electronic information products, for example magazine collections, to automate the mass distribution of updates, such as current issues, from a remote server to a wide user base having a diversity of computer stations. Advantages of economy, immediacy and ease of use are

15   provided. Extensions of the invention permit automated electronic catalog shopping with order placement and, optionally, order confirmation. A server-based update distribution service is also provided. In addition, an offline web browser system, with hyperlink redirection capabilities, a novel recorded music product with automated update capabilities and an Internet charging

20   mechanism are provided."

Applicant submits that, while Reisman describes electronic information transport, the structures and methods described by Riesman are significantly different than Claims 1, 7 and 8, as amended.

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Details of the broadcast of data as described by Reisman are seen at least in Col. 6, lines 20-45, wherein:

"Further Embodiments with Broadcast, Subscription Delivery and On-demand

30   Capabilities

Receipt of broadcast data: As an alternative to modem-based wireline or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a

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broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices tuned to identify and receive from the broadcast specific data elements to which they are entitled. On the Internet, such broadcasting to a

5   selected group of recipients is called "multicasting".

          Broadcasting can be airwave broadcasting via satellite, FM, or TV subchannels in the manner, for example, used by Mainstream Data Ltd. for the broadcast of news wires. Alternatively, the broadcast data stream may be cable or line transmitted, for example, over cable television systems. Minor

10   extensions to API's 40 and 42 could accommodate such a facility. A modified setup function could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary storage. A schedule transport function can then be set to fetch the received

15   data objects from temporary storage and prepare them for use."

Applicant there submits that Reisman describes "recipient communications devices tuned to identify and receive from the broadcast specific data elements to which they are entitled". Applicant also submits that, as described in Reisman, a "modified

20   setup function could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary storage".

As well, details of proxy servers as described by Reisman are seen at least in Col.

25   47, lines 50-67, wherein:

"Conventionally, a proxy server provides a standard mechanism that implements an intercept/redirect function in the network (normally applied to the very different objective of resource hiding for purposes of security),

30   outboard from the browser. When use of a proxy server is specified to a browser, all "Get URL" requests are directed first to the proxy server, which then looks up the proper routing and redirects the requesting browser to the actual desired URL in a two stage process. Proxy servers are usually

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separate shared servers performing network control functions for entire groups of users, and the desired web package storage and access management could be implemented on a similar shared basis, but this activity is typically individual in nature and thus preferably effected at the user's

5   station. Use of a simple proxy server on the user station can be an effective mechanism for link control, if appropriately coordinated with any other uses of proxy servers, such as for security fire walls."

Applicant has amended independent Claim 1, to claim a communications system,
10   comprising:

    an advice provider which broadcasts information over a communications medium to a plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers;

    an advice consumer of said plurality of advice consumers for gathering said
15   broadcast information from said communications medium; and

    a reader associated with said advice consumer for determining relevance of said gathered broadcast information to said advice consumer;

    wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information meets certain predetermined
20   relevance criteria.

Support is seen in the Application as filed, at least on page 4, lines 7-8; on page 5, lines 1-4 and 9-14; on page 6, lines 6-21; on page 7, lines 5-14; on page 8, lines 4-14; on page 12, line 21 to page 16, line 26; one page 19, lines 6-11; on page 19, line
25   20 to page 20, line 10; on page 22, lines 1-11; on page 23, lines 5-11 and 18-21; on page 25, lines 5-11; on page 26, lines 10-16; on page 27, lines 4-8 and 15-19; on page 40, line 19 to page 41, line 20; on page 40, lines 8-11; on page 42, line 23 to page 43, line 4; on page 46, line 1 to page 48, line 9; on page 49, lines 4-6; on page 68, lines 14-18; on page 178, line 21 to page 179, line 3; on page 181, line 6 to page
30   186, line 26; on page 198, line 12 to page 199, line 22; on page 206, line 1 to page 208, line 25; and in Figures 1- 3, 6 and 7.

Applicant respectfully submits that, while Reisman describe recipient communications devices tuned to identify and receive from the broadcast specific data elements to which they are entitled", there is no disclosure of a system in which advice provider which broadcasts information over a communications medium to a

5   plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers, wherein a reader associated with the advice consumer determines relevance of the gathered broadcast information to the advice consumer.

10   In stark contrast to Claim 1 as amended, Reisman doesn't gather data that is broadcast and is gathered by a recipient communications device "irrespective of actual relevance of said information", nor does Reisman disclose a "reader associated with a advice consumer for determining relevance of said gathered broadcast information to said advice consumer", i.e. there is no disclosure that a

15   communications device as described by Reisman receives data elements other than those "to which they are entitled".

Applicant therefore respectfully submits that Reisman fails to disclose "a communications system, comprising:

20   an advice provider which broadcasts information over a communications medium to a plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers;

        an advice consumer of said plurality of advice consumers for gathering said broadcast information from said communications medium; and

25   a reader associated with said advice consumer for determining relevance of said gathered broadcast information to said advice consumer;

        wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information meets certain predetermined relevance criteria."

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Applicant has also amended independent Claim 8, to claim, in a system including computational devices connected by a communications network, a communications apparatus, comprising:

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specific units of advice to be shared;

digital documents conveying said advice;

an advice provider for broadcasting said advice in the form of advisories to a plurality of advice consumers;

5   an advice consumer of said plurality of advice consumers for receiving said advisories;

wherein said advisories are anonymously broadcast over said communications network from said advice provider and are received by said advice consumer, wherein said advisories are potentially relevant to said advice consumer,

10   and wherein said advice consumer is not required to divulge to said advice provider any of their identity, attributes and message-related relevance information; and

a communications protocol for narrowly-focused targeting of said received advisories to said advice consumer by automatically matching said received advisories at said advice consumer for whom said received advisories are potentially

15   relevant.

Support is seen in the Application as filed, at least on page 4, lines 7-8; on page 5, lines 1-4 and 9-14; on page 6, lines 6-21; on page 7, lines 5-14; on page 8, lines 4-14; on page 12, line 21 to page 16, line 26; one page 19, lines 6-11; on page 19, line

20   20 to page 20, line 10; on page 22, lines 1-11; on page 23, lines 5-11 and 18-21; on page 25, lines 5-11; on page 26, lines 10-16; on page 27, lines 4-8 and 15-19; on page 40, line 19 to page 41, line 20; on page 40, lines 8-11; on page 42, line 23 to page 43, line 4; on page 46, line 1 to page 48, line 9; on page 49, lines 4-6; on page 68, lines 14-18; on page 178, line 21 to page 179, line 3; on page 181, line 6 to page

25   186, line 26; on page 198, line 12 to page 199, line 22; on page 206, line 1 to page 208, line 25; and in Figures 1- 3, 6 and 7.

While Reisman describe recipient communications devices tuned to identify and receive from the broadcast specific data elements to which they are entitled,

30   Reisman fails to disclose a communications apparatus which, *inter alia*, automatically matches received advisories at advice consumers with advice consumers for whom said advisories are potentially relevant."

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Applicant therefore respectfully submits that Reisman fails to disclose, "in a system including computational devices connected by a communications network, a communications apparatus, comprising:

specific units of advice to be shared;

5   digital documents conveying said advice;

an advice provider for broadcasting said advice in the form of advisories to a plurality of advice consumers;

an advice consumer of said plurality of advice consumers for receiving said advisories;

10   wherein said advisories are anonymously broadcast over said communications network from said advice provider and are received by said advice consumer, wherein said advisories are potentially relevant to said advice consumer, and wherein said advice consumer is not required to divulge to said advice provider any of their identity, attributes and message-related relevance information; and

15   a communications protocol for narrowly-focused targeting of said received advisories to said advice consumer by automatically matching said received advisories at said advice consumer for whom said received advisories are potentially relevant."

20 Applicant therefore submits that Claims 1 and 8, as amended, overcome the rejection under 35 U.S.C. §102(e) as being anticipated by Reisman et al. (U.S. Patent No. 6,594,691).

The Examiner bears the burden of establishing a *prima facie* case of anticipation (In
25 re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed. Cir. 1986)). The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as arranged in the claim (Lindermann Maschinefabrik Gmbh v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). A claim is anticipated only if each and every element as set forth in the claim is
30 found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim (MPEP 2131).

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As Claims 3 and 5-6 depend from independent Claim 1 as amended, and as claims 9-11 and 13-14 depend from independent Claim 8 as amended, and inherently contain all the limitations of the Claims they depend from, they are seen to be patentable as well.

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35 U.S.C. § 103. Claim Rejections.

16-20. Claims 2, 4, 7 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S. Patent No. 6,594,692) (hereinafter Reisman), in view of Cheng et al. (U.S. Patent No. 6,151,643) (hereinafter Cheng).

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17-18. In regard to Claim 2, the Office Action concedes that "Reisman does not explicitly disclose means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider."

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However, the Office Action states that "Cheng discloses means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider (col 21, lines 45-60)."

20 In regard to Claim 4, the Office Action states that "the claim is rejected for the same reasons as claim 2, above. Further, Cheng discloses advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice consumer has received any particular message, or that said information is relevant to said advice consumer (col

25 21, lines 45-60; col 7, lines 45-67)."

Applicant disagrees that Claim 1 is unpatentable over Reisman in view of Cheng.

Hilton Davis / Festo Statement

30 Applicant has amended Claim 1, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

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Cheng describe automatic updating of diverse software products on multiple client computer systems by downloading scanning application to client computer and generating software list on client computer, as seen at least in the Abstract, wherein:

5   "A system and method update client computers of various end users with software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors. The system includes a service provider computer system, a number of client computers and software vendor computer systems communicating on a

10   common network. The service provider computer system stores in an update database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available, their location on the network at the various software vendor computer systems, information for identifying in the client computers the

15   software products stored thereon, and information for determining for such products, which have software updates available. Users of the client computers connect to the service provider computer and obtain a current version of portions of the database. The client computer determines that software products stored thereon, and using this information, determines

20   from the database, which products have updates available, based on product name and release information for the installed products. The user selects updates for installation. The selected updates are downloaded from the software vendor computer systems and installed on the client computer. Payment for the software update and the service is mediated by the service

25   provider computer. Authentication of the user ensures only registered users obtain software updates. Authentication of the software updates ensures that the software updates are virus free and uncorrupted. Changes to the client computer during installation are monitored and archived, allowing the updates to be subsequently removed by the user."

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As discussed above, Applicant has amended Claim 1, to claim a communications system, comprising:

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an advice provider which broadcasts information over a communications medium to a plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers;

an advice consumer of said plurality of advice consumers for gathering said
5   broadcast information from said communications medium; and

a reader associated with said advice consumer for determining relevance of said gathered broadcast information to said advice consumer;

wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information meets certain predetermined relevance
10 criteria.

Applicant respectfully submits that neither Reisman nor Cheng disclose "a communications system, comprising:

an advice provider which broadcasts information over a communications
15 medium to a plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers;

an advice consumer of said plurality of advice consumers for gathering said broadcast information from said communications medium; and

a reader associated with said advice consumer for determining relevance of
20 said gathered broadcast information to said advice consumer;

wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information meets certain predetermined relevance criteria."

25 In particular, there is no disclosure or suggestion, express or implied, in Reisman and/or Cheng of a communications system that gathers data that is broadcast and is gathered by a recipient communications device "irrespective of actual relevance of said information." As well, there is no disclosure or suggestion, express or implied, in Reisman and/or Cheng of a communications system which comprises, *inter alia*, a
30 "reader associated with a advice consumer for determining relevance of said gathered broadcast information to said advice consumer".

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Applicant also submits that there is no suggestion, express or implied, that Reisman and/or Cheng be modified to meet Claim 1, as amended.

5   Therefore, the *prima facie* obviousness case is incomplete because, neither Reisman nor Cheng teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the

10 teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

Applicant therefore submits that independent Claim 1, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S.

15 Patent No. 6,594,692), in view of Cheng et al. (U.S. Patent No. 6,151,643).

As Claims 2 and 4 depend from amended independent Claim 1 as amended, and inherently contain all the limitations of the Claims they depend from, they are seen to be patentable as well.

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19. In regard to Claim 7, the Office Action states that "Reisman discloses a communication method, comprising the step of:

Preparing a message at an advice provider location (data objects, col 26, lines 20-31);

25 Broadcasting said message to potential advice consumer anonymously using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server);

Processing said message at an advice consumer location (col 26, lines 20-45);

Determining whether said message is relevant to said advice consumer (recipient

30 information devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45);

Is broadcast to advice consumers to whom it is potentially relevant (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45)."

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The Office Action concedes that "Reisman does not explicitly disclose without requiring that said consumers divulge their identity or attributes or message-related relevance information to said advice provider".

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However, the Office Action also states that "Cheng discloses without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider (col 21, lines 45-60)."

10 Applicant disagrees that Claim 7 is unpatentable over Reisman in view of Cheng.

Hilton Davis / Festo Statement

Applicant has amended Claim 7, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments
15 herein were not made for any reason related to patentability.

Cheng describe automatic updating of diverse software products on multiple client computer systems by downloading scanning application to client computer and generating software list on client computer, as seen at least in the Abstract, wherein:

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"A system and method update client computers of various end users with software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors. The system includes a service provider computer system, a number of client
25 computers and software vendor computer systems communicating on a common network. The service provider computer system stores in an update database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available, their location on the network at the various software vendor
30 computer systems, information for identifying in the client computers the software products stored thereon, and information for determining for such products, which have software updates available. Users of the client computers connect to the service provider computer and obtain a current version of portions of the database. The client computer determines that

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software products stored thereon, and using this information, determines from the database, which products have updates available, based on product name and release information for the installed products. The user selects updates for installation. The selected updates are downloaded from the software

5   vendor computer systems and installed on the client computer. Payment for the software update and the service is mediated by the service provider computer. Authentication of the user ensures only registered users obtain software updates. Authentication of the software updates ensures that the software updates are virus free and uncorrupted. Changes to the client

10   computer during installation are monitored and archived, allowing the updates to be subsequently removed by the user."

Details of reporting tools as described by Cheng are seen at least in Col. 21, lines 45-60, wherein:

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"Reporting Tools

     The reporting tools 713 provide support for querying the update database 709, the user profile database 711 and the activity log 718. The queries may be about the software products and updates, about the

20   correlation between the types of software updates accessed by various users, and about aggregate data. The databases 709, 711 and the activity log 718 together have the potential to provide precise descriptions of the software product profiles of the users. For example, statistical information may be retrieved indicating the number of users of one product, such as

25   SoundBlaster16, who also own a second product, such as Myst. This information may be collected and analyzed without necessarily violating the privacy of the individual users."

Applicant has amended independent Claim 7, to claim a communications method,

30   comprising the steps of:

     preparing a message at an advice provider location;

     broadcasting said message to potential advice consumers anonymously using a network, wherein said message is broadcast to advice consumers to whom it is

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potentially relevant without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider;

receiving said broadcast message at said potential advice consumers;

storing said received broadcast message at an advice consumer location; and

5   determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer.

Support is seen in the Application as filed, at least on page 4, lines 7-8; on page 5, lines 1-4 and 9-14; on page 6, lines 6-21; on page 7, lines 5-14; on page 8, lines 4-
10   14; on page 12, line 21 to page 16, line 26; one page 19, lines 6-11; on page 19, line 20 to page 20, line 10; on page 22, lines 1-11; on page 23, lines 5-11 and 18-21; on page 25, lines 5-11; on page 26, lines 10-16; on page 27, lines 4-8 and 15-19; on page 40, line 19 to page 41, line 20; on page 40, lines 8-11; on page 42, line 23 to page 43, line 4; on page 46, line 1 to page 48, line 9; on page 49, lines 4-6; on page
15   68, lines 14-18; on page 178, line 21 to page 179, line 3; on page 181, line 6 to page 186, line 26; on page 198, line 12 to page 199, line 22; on page 206, line 1 to page 208, line 25; and in Figures 1- 3, 6 and 7.

Applicant submits that, while Cheng describes reporting tools 713, as seen at least in
20   col. 21, lines 45-60, in which "statistical information may be retrieved indicating the number of users of one product" wherein the described information may be collected and analyzed without necessarily violating the privacy of the individual users", there is no disclosure or suggestion, express or implied, that Cheng broadcasts messages from an advice provider "to potential advice consumers anonymously using a
25   network, wherein said message is broadcast to advice consumers to whom it is potentially relevant without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider".

Applicant respectfully submits that neither Reisman nor Cheng disclose "a
30   communications method, comprising the steps of:

preparing a message at an advice provider location;

broadcasting said message to potential advice consumers anonymously using a network, wherein said message is broadcast to advice consumers to whom it is

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potentially relevant without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider;

    receiving said broadcast message at said potential advice consumers;

    storing said received broadcast message at an advice consumer location; and

5   determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer."

In particular, Reisman nor Cheng disclose a communications method that broadcasts messages from an advice provider "to potential advice consumers

10 anonymously using a network, wherein said message is broadcast to advice consumers to whom it is potentially relevant without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider".

15 As well, neither Reisman nor Cheng disclose a communications method which stores a received anonymously broadcast message at an advice consumer location; and determines at the advice consumer location whether the stored received broadcast message is relevant to the advice consumer.

20 Applicant also submits that there is no suggestion, express or implied, that Reisman and/or Cheng be modified to meet Claim 7, as amended.

Therefore, the *prima facie* obviousness case is incomplete because, neither Reisman nor Cheng teach or suggest all the claim limitations (MPEP 2142, 2143.03).

25 To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. &

30 Inter. 1985), MPEP 706.02(j)).

Applicant therefore submits that independent Claim 7 as amended, overcomes the rejection under 35 U.S.C. §103 (a) as being unpatentable over Reisman et al. (U.S. Patent No. 6,594,692), in view of Cheng et al. (U.S. Patent No. 6,151,643).

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20. In regard to Claim 12, the Office Action states that "the claim is rejected for the same reasons as claim 7, above. In addition, Cheng discloses a gatherer for generating advisories to which said advice consumer subscribers (col 7, lines 12-45; col 6, lines 31-50;

A subscription manager for entering subscriptions to advisories based on information in at least one advice consumer site definition file (col 7, lines 12-45; col 6, lines 31-50; col 10, lines 25-32);

A unwrapper for parsing said advisories (fig 9-10);

A module for determining the relevance of said advisories, said determination being made continuously, at scheduled intervals, or under user manual control (col 3, lines 25-39);

A display and management system that displays relevant advisories for inspection by said advice computer (fig 9 and fig 13a)."

Details of software vendor computers as described by Cheng, in Col. 6, lines 31-50, wherein:

"Each software vendor computer 103 coupled to the service provider computer 102 stores software update information, software products, information files, and the like. The software update information includes applications, binary files, text files, and the like, for updating software products installed on client computers 101, and advertising or other information about such products useful to users for evaluating potential software for updating. Other types of information useful to providing product support, technical service, or the like may also be beneficially provided. In addition, the software vendor computers 103 provide mechanisms for controlling distribution and payment of software updates, such as credit card payment front ends, code authentication and verification subsystems, and the like. These various mechanisms are understood in the art. For example, payment mechanisms may be implemented in compliance with various credit card or debit systems, as known in the art. Likewise, authentication and verification may be implemented using conventional encryption techniques."

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Cheng therefore describes software vendor computers 103 that are "coupled to the service provider computer 102", that store "software update information, software products, information files, and the like", wherein "the software vendor computers
5   103 provide mechanisms for controlling distribution and payment of software updates"

Details of an update process 200 in regard to a client computer 102 as described by Cheng are seen at least in col. 7, lines 12-45, wherein:

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"In each case, the user logs in 201 to the service provider computer 102 with the client application 104 in a conventional manner, providing a user ID, a password, and the like. This information may be manually entered by the user via the client application 104, or more preferably, stored within the client
15   application 104, and automatically provided once a connection between the client computer 101 and service provider computer 102 is established. If the user is not registered, then the service provider computer 102 in conjunction with inputs by the user, registers 202 the new user of the system. FIG. 3 illustrates a basic user interface 300 for registering the user. The user
20   identifies himself or herself by name 301 and selects a password 303. The user may also provide a mailing address 305 and a payment mechanism such as a credit card data 311, including a credit card number and expiration date, to pay for the services and for any for-fee software updates that the user may access in the course of using the service provided by the service provider
25   computer 102. An email address 307 is entered to allow the service provider to contact the user by email. The user may select check box 309 to indicate that they want to be notified by email when new software updates are available for software products installed on their computer. When the registration process 202 is completed, the service provider computer 102
30   returns a unique registration number to the user. This number may be stored on the client computer 101 and used during subsequent logins to identify the user to the service provider computer 102.

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The registered users are authenticated 203 by the service provider computer 102, using conventional authentication mechanisms, such one or more passwords, digital signature, certificates, or the like. Authentication ensures that only users who are properly authorized by the service provider

5   can obtain updates for software products."

As seen at least in at least in col. 7, lines 12-45 therefore, a user in Cheng logs in 201 "in a conventional manner, providing a user ID, a password, and the like".

10   Cheng also describes an update database located at a service provider computer, as seen at least in Fig. 7 and in col. 10, lines 25-32, wherein:

"Update Database

The update database 709 maintains information identifying a large

15   number of software products, information about the software updates that are available from the diverse software product vendors for these software products, information for identifying software products installed on a client computer 101, and for uniquely distinguishing the versions and names of installed software products."

20

As well, Cheng describes connections between a client computer and an update database at the service provider, as seen at least in col. 3, lines 25-39, wherein:

"On each user computer, or synonymously client computer, operating in

25   accordance with one embodiment of the invention there is provided a client application that periodically connects over the network to the update database of the service provider computer system. The client application automatically downloads a portion of the database to the client computer, preferably to update a mirror of portions of database. From client database, the client

30   application determines which software updates are applicable or relevant to the user's computer. This is preferably done by first determining the products that are installed in the client computer, and determining for each of these whether there is an update available for a more recent version of the software

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product than that installed on the client computer. The applicable software updates are identified to the user."

As discussed above, Applicant has amended independent Claim 8, to claim, in a
5   system including computational devices connected by a communications network, a communications apparatus, comprising:

        specific units of advice to be shared;

        digital documents conveying said advice;

        an advice provider for broadcasting said advice in the form of advisories to a
10   plurality of advice consumers;

        an advice consumer of said plurality of advice consumers for receiving said advisories;

        wherein said advisories are anonymously broadcast over said communications network from said advice provider and are received by said advice
15   consumer, wherein said advisories are potentially relevant to said advice consumer, and wherein said advice consumer is not required to divulge to said advice provider any of their identity, attributes and message-related relevance information; and

a communications protocol for narrowly-focused targeting of said received advisories to said advice consumer by automatically matching said received advisories at said
20   advice consumer for whom said received advisories are potentially relevant.

Applicant respectfully submits that neither Reisman nor Cheng disclose, "in a system including computational devices connected by a communications network, a communications apparatus, comprising:
25   specific units of advice to be shared;

        digital documents conveying said advice;

        an advice provider for broadcasting said advice in the form of advisories to a plurality of advice consumers;

        an advice consumer of said plurality of advice consumers for receiving said
30   advisories;

        wherein said advisories are anonymously broadcast over said communications network from said advice provider and are received by said advice consumer, wherein said advisories are potentially relevant to said advice consumer,

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and wherein said advice consumer is not required to divulge to said advice provider any of their identity, attributes and message-related relevance information; and

5   a communications protocol for narrowly-focused targeting of said received advisories to said advice consumer by automatically matching said received advisories at said advice consumer for whom said received advisories are potentially relevant."

In particular, there is no disclosure or suggestion, express or implied, in Reisman and/or Cheng of a communications apparatus wherein "said advisories are

10   anonymously broadcast over a communications network from an advice provider and are received by an advice consumer, wherein the advisories are potentially relevant to the advice consumer, and wherein the advice consumer is not required to divulge to the advice provider any of their identity, attributes and message-related relevance information; and

15   a communications protocol for narrowly-focused targeting of the received advisories to the advice consumer by automatically matching the received advisories at the advice consumer for whom the received advisories are potentially relevant."

Applicant also submits that there is no suggestion, express or implied, that Reisman

20   and/or Cheng be modified to meet Claim 8, as amended.

Therefore, the *prima facie* obviousness case is incomplete because, neither Reisman nor Cheng teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject

25   matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

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Applicant therefore submits that independent Claim 8, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S. Patent No. 6,594,692); in view of Cheng et al. (U.S. Patent No. 6,151,643).

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As claim 12 depends from amended independent Claim 8 as amended, and inherently contain all the limitations of the claims it depends from, Claim 8 is seen to be patentable as well.

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CONCLUSION

Applicant also respectfully submits that Claims 1-14 overcome the rejections set forth in the Office Action. Applicant also submits that the amendments do not introduce new matter into the Application. Based on the foregoing, Applicant considers the invention to be in condition for allowance. Applicant earnestly solicits the Examiner's withdrawal of the rejections set forth in the prior Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States Patent.

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10   Respectfully Submitted,

                                                Michael A. Glenn
                                                Reg. No. 30,176

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